

Law General (1925) Department.

Misc SERIES.

G.O. No. 2744

DATED 1-9-1925.

[Despatch Abstract.]

*Magistrates - Bench Court - Mangalore - South
Kannara retention of a clerk. Sanctioned*

Office of the I Class Bench of Magistrates
Mangalore, 9th July 1925.

To:-

2
10.7.25

The Secretary to Government,
Law (General) Department,
Madras.

Thro'

The District Magistrate,
South Kanara
and the Sub Divisional Magistrate, Mangalore.

Sir,

(Q)

With reference to G.O. No. 1892 Law (General) dated
N. Dis CM. 2829-1-25-12-6-1925 recently issued by the Government abolishing the
post of second clerk attached to this Court and dis-approving
the idea of having a separate staff exclusively for the work
of this Court, we the undersigned Honorary Magistrates feel
constrained to bring the following facts to the kind notice
of Government.

In the year 1915 in accordance with the principles
laid down in G.O. No. 1729 Judicial dated 14-8-1914, this
Court was opened with a temporary staff of one clerk and a
peon as an experimental measure. In 1916 after a year's
experience M.R. Ry. Rao Bahadur S. Raghunathaya Avl. the first
President of the Bench and a Retired Subordinate Judge
recommended the appointment of an additional clerk to cope
with growing work of this Court as experienced proved that
the clerical work of the Court was far above what one indivi-
dual could be expected to do. The Government were then
pleased in G.O. 760 dated 22-3-1916 to sanction an additional
clerk as a temporary measure. Again in 1917, sanction was
granted in G.O. 668 dated 22-3-1917 for the continuance of
the temporary staff of two clerks and one peon for a further
period of one year.

In 1919, the same President invited the attention
the District Magistrate to the satisfactory progress made by
this Court and the volume of work turned out by it and
requested that Government might be addressed to confirm
the staff of this Court as two clerks and one peon and

Submitted to
the District Magistrate of this Court, we the undersigned Honorary Magistrates feel
It is a fact that
the work of the
Bench is daily
increasing. The
work here is at
least as heavy
as that of a
Sub Magistrate's Court
which has two
clerks and an
attender. It
is not possible
for a single clerk
to get on with
the work. I and
therefore strongly
beg to support
the grant of the
Bench Magistrates'
request.

H. Sankaradas
10.7.25

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(J)

and the Government were pleased to approve of this suggestion and in their G.O. 809 Home (Judicial) dated 5-4-1918 ordered the permanent retention of the staff consisting of two clerks and one peon. Government will thus be pleased to see that they fixed the staff after a mature consideration based on the experience gained during the previous three years.

Since then this Court has made tremendous strides in the disposal of criminal work giving generally satisfaction to all parties and has so much relieved the work of the stipendiary Magistrates that Government found it possible to abolish the Sub Magistrate's Court at Moolky without inconvenience to any body at a saving of the recurring expense of about Rs.4000/- annually.

hsc.f

A study of the enclosed figures giving the number of cases received for disposal, the steady increase of work and fines imposed will give an insight into the volume of responsible work turned out by this Court and we will not be wrong if we say that the disposals here are more than those of stipendiary Magistrates. Summary Court as this is, the work of the clerical staff is in no way less than that of the stipendiary Magistrates' Courts, as the same registers have to be maintained and returns submitted as are maintained and submitted by other Courts. It may also be taken into account that unlike presidency towns most of the cases, of however petty a nature they may be, are contested and the trial prolonged involving more work.

It need hardly be mentioned that one clerk is fully engaged in process writing work alone and it ^{is} ~~is~~ ~~is~~ impossible for one single individual to manage the work of the Court unless one is prepared to live amidst a chaos. We were even contemplating moving the District Magistrate for the entertainment of an additional hand and steps had actually been taken towards this end in the year 1920 though it was then put off for a future date, when we were simply surprised by the C.G. outlaying a policy which, we are sorry to say,

cannot but culminate in the total collapse of the work of this Court, which has hitherto been considered as efficient.

Probably Government have not compared the work of this Court with that of any of the stipendiary Sub Magistrates in this District who have two clerks, one dufterbund, a copyist and two peons permanently attached to each Court. The economy sought to be practised has evidently in the present instance no bearing on the amount of the work turned out in this Court.

We regret to state that if the order abolishing the permanent staff already allowed in consideration of all the circumstances were given effect to, we will be at the mercy of the officers who lend their clerks without possessing any power of control. The stipendiary Sub Magistrates have separate staff permanently attached to their Courts and any diversion from this very homely and advantageous custom in respect of this Court which has to do more work than any of the two stationary Sub Magistrates in this District put together is bound to give a set back to the very useful work done by this Court.

Unlike many other offices of the Government, this Court is a self possessed and self supporting institution and at no time of its existence proved a burden upon the finances of the Government and on the other hand has been a source of income. It is run ^{on} most economical lines the monthly expenditure being even below Rs.100/-.

We therefore pray that the Government may be pleased

- (1) to exempt this Court from the operation of the scheme promulgated in G.O. No.3663 Law (General) dated 23-12-1924, and,
- (2) to cancel the G.O. 1892 Law (General) dated 12-6-1925 so that the arrangement existing here-to-fore may continue.

As the work of this Court is likely to suffer and to accumulate greatly to the inconvenience of all concerned in

in the event of the G.O. being given effect to, it is respectfully prayed that this communication may be treated as urgent and orders passed as expeditiously as possible.

We have the honour to be,

Sir,

Your most obedient servants.

Leo J. ...

President

Mich. ...

Bunaga Hestis

Leslo

Nagar Shriviro Jao
Urrae ...

Chimber

Myama Jao.

Vice President

Akumadum

Vice President

B. Parambura

Jose V. Alvarez

J. ...

... ..

5

Statement shewing the number of cases received
for disposal and fines imposed from the year
1915 to 30th June 1925.

* * * *

Year	Number of cases filed.	Fines imposed.			Remarks.
		Rs.	As.	Ps.	
1915	595	1498	2	0	
1916	592	1001	11	0	
1917	599	1055	2	0	
1918	487	686	3	0	
1919	592	1416	0	0	
1920	697	1278	0	6	
1921	508	1244	4	0	
1922	717	1851	4	0	
1923	938	2300	2	0	
1924	1016	2395	12	0	
1925 till the end of June.	562	1179	5	6	(For the first six months).

J. 83369F -
13/7/25

Submitted to the Secretary to Government
Law (General) Department. Madras.

The letter attached shows how the
work of the Bench board has been
increasing

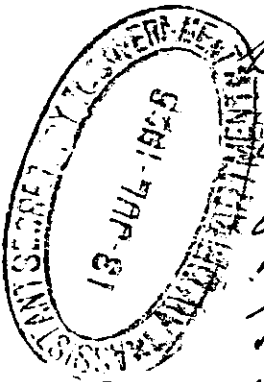
My predecessor's letter D.O. 597/25
dated 9-4-25 may kindly be
referred to. I find therefrom that

he considered the services of two
clerks to be necessary, and in my
opinion the volume of work to be done
by the Bench makes the retention
of two clerks essential. I would
strongly urge the reconsideration
of the matter.

M. K. S.
S. V. May 15
Govt Kanara
11.7.25.

11 JUL 1926

H. 1-2 in Govt 1892
13-6-25



2

7
Law (Genl) Dept.

all 7
21/7
28/7
21/7

Letter No. 3369 B-1 dt 20/7/25
Refce
To.

The Honble the C. J.
High Court of Judicature
with C. J. in original
copy of the D.O. is referred to

DESPATCHED

12 JUL 1925

49

Bench Comt - Mangalore.

Abolition of clerks' post.

Reconsideration of order

Honble Sir,

I am directed

to forward a copy of the D. M. S. to

Kanara, Ref. C. No 5002-25-A2, dated

the 11th July '25, together with its

enclosures on the above

subject, and to request

that the Honble the Judges

will be so good as to offer

their remarks ^{thereon} and in the event

of their recommending the

reconsideration of the orders

passed in G.O. 1892, dated the

13th June '25 to forward the

reply to Govt. through the

A. G.

Plth

20/7/25

Se
20/7/25

CA
20/7

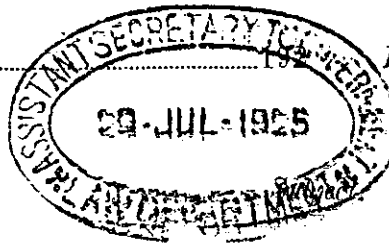
Q

LAW (GENERAL)

DEPARTMENT.

8

Received



Registered

192 .

L. 93684B
4/7/25-

Magistrates - Bench Court - Mangalore, South Kanara -
revision of establishments - Report submitted.

G.O.No.1892 Law (General) Department dated 13th June
1925.

ENCLOSURES.	
No.	
.....	
Spare copies	

Ref. C. No. 5002-25-A2.

Station Mangalore, Dated the 25th July 1925.

From (Name) G. W. Wells, Esquire, M.A., I.C.S.,
(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,

Law (General) Department.

M a d r a s.

Sir.

As there is no permanent vacancy in the grade of Rs.35-35-1½-50-1-60 to provide for the 2nd clerk of the Bench Court whose post has been abolished in the G.O. quoted above, and as a permanent vacancy will arise only on 15th November 1925, Government may be pleased to ----- permit the order of abolition not to be given effect to until the date or until a permanent vacancy in the grade occurs, whichever is earlier.

2. I request that early orders may be passed on the representation of the Bench Magistrates regarding the --- retention of the 2nd clerk.

7

-2-

3. The clerk and the peon permanently appointed may be attached to the Court of the Sub Divisional I Class Magistrate, Mangalore Division.

Your obedient servant,

Lehtu

For Collector.

JL 1925

M.D'S. 27/7.

~~to~~

Law (General) DC

C. No: 3684B

From the Collector, South
Kannara Ref. C No:

5002-25-42 & 28-7-25

Establishment Bench
Court - Mangalore

Memo No. 3369 B-3 of 12-8-25

The Collector South
Kannara is informed that
the post of the Second
clerk of the Bench Court
(the abolition of which was ordered in G.O. No. 1892 B-4 of 12-8-25)
at Mangalore may be
continued until final
orders are issued on
the representation of the
Bench Magistrates regard-
ing its retention

To

~~12/8~~ 21/8/25

The Collector, South Kannara

Copy to the A.G. 'thru' Finance.

KS
5-8-25

Se
5805

R
578/25

V.F.
6-8

DESPATCHED

12 AUG 1925

19

11 DEPARTMENT. 11

Received.....192 . Registered.....192 .

Subject.

ENCLOSURES.

No.....

Spare copies

R.O.C. No. 1220/25.

Station M a d r a s , Dated the 31st J u l y 192 5.From (Name) S.Wadsworth Esquire, I.C.S.,(Designation) Registrar, High Court.

To The Secretary to the Government of Madras,

Law (General) Department.

Through the Accountant General.

Sir,

Bench Court, Mangalore--Establishments--2nd clerk-
retention--your letter No.3369 B-1 dated 20-7-1925.

I am directed to state that, in the circum-

stances set forth by the Bench Magistrates of Mangalore,

the Hon'ble the Judges are of opinion that the orders

issued in G.O.No.1892 Law (General) dated 13-6-1925 may

be reconsidered and the second clerk retained.

2 The Hon'ble the Judges in making this
 recommendation are influenced by the view that in dealing
 with the Honorary Magistrates who do extremely useful
 work and save considerable expenditure of public funds,
 a policy which might be deemed niggardly, is inadvisable.

12
12
3 Necessary provision to meet the cost of the clerk has
been made in the current year's budget estimate.

I have the honour to be,

Sir,

Your most obedient servant,

J. Wadsworth

R e g i s t r a r .

P.M.

Wm/7

No. S.K.3-371

63
OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS,

Fort St. George, 12th.

Aug.

1925 .

13

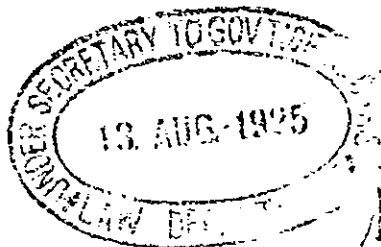
Enclosures

one

5.39/76
18/8

F o r w a r d e d .

There is no audit objection to the proposal of the Registrar, High Court, Madras being sanctioned by Government.



Initial →

Dy. Accountant General.

To

The Secretary to Government,

Law (General) Department..

V.B.

Subject : Establishments - Bench Court
Mangalore

[Cno 3369B]

From the D. M. South Kanara C. No 5002/25

48

On a petition from the Magistrates of the Mangalore Bench Court, the D. M. South Kanara recommends that the orders passed in

Go 1892 dated the 13th June 25, ~~repealing~~ abolishing one of the clerks posts attached to the Bench Court may be reconsidered. It will be seen from the G.O. quoted above that the abolition of the post was ordered on the recommendation of the High Court to the effect that two clerks are somewhat excessive for the Bench Court, and that one ~~of the~~ clerks ~~ought~~ ought to be sufficient with possibly the assistance of a part time clerk from the Stationary Sub-Magistrate's Office at the station. The D. M. strongly urges the reconsideration of the matter. It is subd that before orders are passed the remarks of the High Court may ~~is~~ be called for

90749

20728

Ref C. No: 5002-28-A 2595-7-25

letter on pages 8-9 C.F. It
may not be desirable to postpone the abolition till 15.11.25. Perhaps
~~the Government are not prepared to~~

The matter is a direct
bondman & the high

Draft Memo. sub'd. It maybe
sent to Finance for approval.

A circular ink stamp from the Law Department of the Government of India. The outer ring of the stamp contains the text "UNDER SECRETARY TO GOVT. OF INDIA" at the top and "LAW DEPARTMENT" at the bottom. In the center of the stamp, the date "11 AUG 1925" is stamped. There are some handwritten marks and a signature-like scribble over the bottom right portion of the stamp.

SECRET
1 - AUG 1925
SECRET

Finance [E.R.]

27624 CR
88-25

may be accepted.

$\frac{1}{2} \cdot 8.25 = 4.125$

Lowell Bend, 1 mi NW

June 11/18 ^{Two} 27.624 8 RT
 CR 11/18 48 25

16

3

PrCF [Letter No: 3369 B-1 D 20-7-25]

C. No: 39 67B. From the Regy. High Court
R.O.C. No: 1220/25 D 31-7-25

As

Pr 11- CF

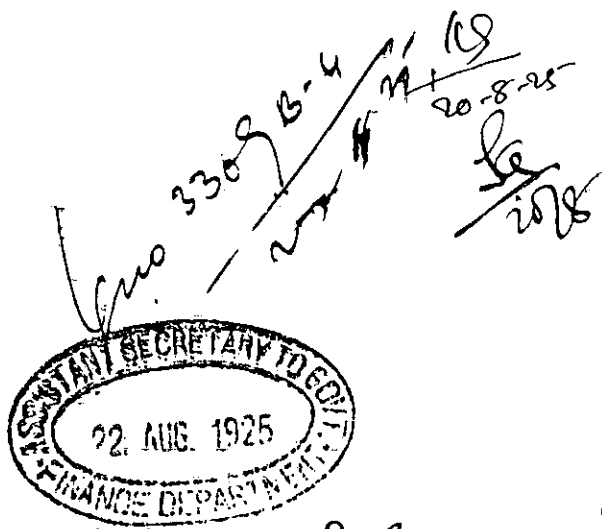
(Q)

The High Court recommends that the orders issued in G.O. No: 1892 Law (General) D 13-6-25 may be reconsidered and the second clerk retained. A draft order is submitted for approval. It may go to Finance for acceptance.

MS/10

VTK
22-8

Fin U.O



29593 QX

22-8-25

Finance (E.R.).

The proposal is to sanction the retention of

of the post of second clerk, Bench Court, Mangalore,

Q

the abolition of which was ordered in G.O.No.1892 Law

(Gl.) dated 13-6-25. It is stated that the volume

of work to be done by the Bench Court makes the reten-

tion of two clerks essential. The High Court and the

Law Department support the proposal.

In April 1925 when the question of the aboli-

tion of the second clerk referred to above was under

consideration, the High Court was of the opinion that

the then existing establishment of 2 clerks on Rs.35-6-

Visi Dms En. on
p. 6 CF

Para 1 of High Court's
letter on p. 11 CF
& Law Dept. note above

P. 4 of G.O. 1892 Law (Gl.)
13-6-25

11

4

each per mensem and 1 peon on Rs.12-18 p.m. was somewhat excessive and stated that one clerk and one peon ought to be sufficient with possibly the assistance of a part-time clerk of the Stationary Sub Magistrate's office at Mangalore. The suggestion at A above was however not put to the D.M. apparently because the D.M. had already reported that it was not possible to get the work done either by deputing part-time servants or by deputing clerks and peons from other Government offices. The High Court has now changed its previous opinion and, in supporting the proposal in the present case, states that the Hon'ble the Judges are influenced by the view that, in dealing with Honorary Magistrates who do extremely useful work and save considerable expenditure of public funds, a policy, which might be deemed niggardly, is inadvisable.

A

Para 3 on p 2 of
Go 1892 & in fct 13625 Q

Para 1 on p 11 CF

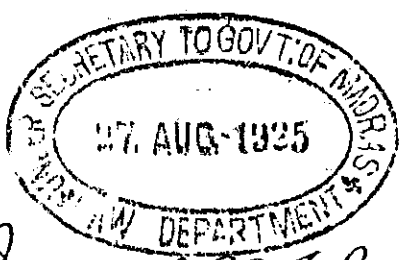
Para 2 on p 11 CF

In the circumstances stated above and in view of the fact that the file of the Bench Court, Mangalore, is a heavy one and is gradually on the increase, Finance need not perhaps object to the retention of the 2nd clerk. The draft order may be accepted ^{Subject to the addition of a sentence of the Bench Court Mangalore will be attached to the Office of the Subdiv. I class magistrate Mangalore on} the sanction ~~order~~ registered as No. 134 of 1925-26.

Vide Statutes
Goven or p-5 CF

Cf. para 3 of 5 June
Lett on p 9 CF.

2. Funds are available - Vide para 3 of the High Court's letter on p.12 c.f.



26.8.25
26.8.25

Law Genl
Law Genl 1st Lt.

Ino 29593 ERy
27.8.25
4308 B
27.8.25

The draft has been approved. It may now issue

27.8.25

Law (General) 18 DEPARTMENT

Magistrates - Bench Court,
Mangalore, South Kanara
- retention of a clerk - Sanctioned

	Date.	Initials.
When received for Fair-copying.		
When copied . .	1/9.	BB
When examined . .		
When signed . .	1/9	20
When despatched . .		

Q

READ AGAIN G.O. No. 189228, dated 13-6-1925.

192

READ ALSO :—

C. No. 3369B From the D. M. S. Kanara, No. 5002/₂₅, dated 11-7-1925.

Letter to Lt. C 3369B-1 20-7-1925

" " 3967 B " " H. c " R. o. c
" " " " " " 1220/25 " 31-7-1925 "

O R D E R.

Mis

No. 2746 dated 1-9- 1925.

In Supervision of para 2
of G.O. No: 1892 Law (General),
D 13-6-25, the Govt Sanction
the retention of the Second
clerk of the Bench Court
at Mangalore on Rs
35-35-1 1/2-50-1-60 a month

108 This sanchin has been registered
20-8-25 no. 7/34 1925-26

2. The establishment sanctioned for the Bench Court, ~~in Bangalore~~ will be attached to the office of the Sub. Div. Magistrate, Bangalore.

The D.M, South Kanara

... Hombre lue C. j. with c. 2

.. A. G. through Finance

Insurance Dept.

DECLASSIFIED
3 SEP 1925
19

$$\frac{\sqrt{14}}{22} \approx 0.11$$